

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CONSOLIDATED 3:10CV462-MOC-DSC**

THE CATO CORPORATION,)
)
)
Plaintiff,)
)
v.)
)
)
L.A. PRINTEX INDUSTRIES, INC.,)
)
)
Defendant.)
)
)
L.A. PRINTEX INDUSTRIES, INC.,)
)
)
Plaintiff,)
)
v.)
)
THE CATO CORPORATION, a)
Delaware Corporation,)
VOLUMECCOCOMO APPAREL, INC.,)
a California Corporation, LI & FUNG)
LTD., a Hong Kong Limited Company,)
LF USA, INC., a New York Corporation,)
and DOES 3 through 10,)
)
Defendants.)
)

**MEMORANDUM AND
ORDER**

THIS MATTER is before the Court on “VolumeCocomo’s Motion to Dismiss Amended Complaint,” Doc. 30, filed February 24, 2012. The Motion requests that the Court enter an order dismissing all of L.A. Printex Industries, Inc.’s (“L.A. Printex”) claims against Volumecocomo, dismissing L.A. Printex’s claims against Cato based on Design No. D40314 and awarding costs and fees incurred in defending against these claims.

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1).

On March 6, 2012, L.A. Printex filed a “Voluntary Dismissal with Prejudice,” Doc. 40, dismissing VolumeCocomo from this action. On March 8, 2012, L.A. Printex filed “Notice of Abandonment of Claims of Infringement Regarding Design D40314,” Doc. 44, dismissing all claims of infringement regarding Design D40314.

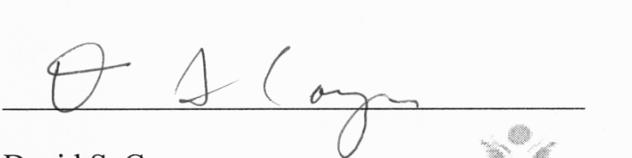
Based upon these filings, the Court finds that the issues raised in VolumeCocomo’s Motion to Dismiss are MOOT.

IT IS THEREFORE ORDERED that:

1. VolumeCocomo’s Motion to Dismiss Amended Complaint,” Doc. 30, is administratively DENIED as MOOT.
2. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: March 14, 2012



David S. Cayer
United States Magistrate Judge
